CLASSIFICATION OFFICE DECISION

Title of publication:	DSC01126.JPG
Other known title(s):	Not stated
OFLC ref:	1100175.020
Medium:	Computer Image File
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	The District Court at Auckland
Classification:	Objectionable.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	21 April 2011
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file is deemed objectionable because it promotes and supports the exploitation of children for sexual purposes.

The image shows an eight-year-old girl who has been photographed while she is asleep, in a state of partial nudity. The crown has submitted that the photographer took these photographs on the same occasion as he took seventeen photographs of the girl's six-year-old sister. Those photos are a visual record of the surreptitious sexual abuse of the younger sister. Given that the photographer's sexual intent is consistently expressed through the entire series of images, a sexual reading of this image is also unavoidable. The publication is therefore visual evidence of the exploitation of a child for sexual purposes. The image encourages a sexual interest in children and invites viewers to regard young girls as sexually available.

The classification of this publication interferes with the right to freedom of expression set out in the New Zealand Bill of Rights Act 1990. However, this is an outcome that is consistent with Parliament's intention and is a reasonable limitation on the freedom of expression. The classification reflects the concern of a free and democratic society to protect its young and vulnerable members from sexual exploitation.